

EDUCATIONAL EXAMINERS BOARD[282]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 272.2, the Board of Educational Examiners hereby gives Notice of Intended Action to amend Chapter 11, “Complaints, Investigations, Contested Case Hearings,” and Chapter 25, “Code of Professional Conduct and Ethics,” Iowa Administrative Code.

The proposed amendments update the rules pertaining to disqualifying criminal convictions to reflect 2011 Iowa Acts, Senate File 120.

Any interested party or persons may present their views either orally or in writing at the public hearing that will be held Wednesday, January 4, 2012, at 1 p.m. in Room 3 Southwest, Third Floor, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact the Executive Director, Board of Educational Examiners, Grimes State Office Building, East 14th Street and Grand Avenue, Des Moines, Iowa 50319-0147, or at (515)281-5849, prior to the date of the public hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact the office of the Executive Director at (515)281-5849.

Any interested person may make written comments or suggestions on the proposed amendments before 4 p.m. on Friday, January 6, 2012. Written comments and suggestions should be addressed to Kim Cunningham, Board Secretary, Board of Educational Examiners, at the above address, or sent by E-mail to kim.cunningham@iowa.gov, or by fax to (515)281-7669.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 272.2(14)“b”(1) as amended by 2011 Iowa Acts, Senate File 120.

The following amendments are proposed.

ITEM 1. Amend paragraph **11.35(2)“a”** as follows:

a. Disqualifying criminal convictions. The board shall deny an application for licensure if the applicant or licensee has been convicted, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

(1) Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

(2) Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

1. First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;

2. Lascivious acts with a child;

3. Assault with intent to commit sexual abuse;

4. Indecent contact with a child;

5. Sexual exploitation by a counselor; or

6. Lascivious conduct with a minor;

7. Enticing a minor under Iowa Code section 710.10; or

8. Human trafficking under Iowa Code section 710A.2;

- (3) Incest involving a child as prohibited by Iowa Code section 726.2;
- (4) Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; ~~or~~
- (5) Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;₂
- (6) Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) "a";
or
- (7) Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in paragraph 11.35(2) "a."

ITEM 2. Amend paragraph **25.3(1)"b"** as follows:

b. Criminal convictions. The commission of or conviction for a criminal offense as defined by Iowa law ~~or the laws of any other state or of the United States~~, provided that the offense is relevant to or affects teaching or administrative performance.

(1) Disqualifying criminal convictions. The board shall deny an application for licensure and shall revoke a previously issued license if the applicant or licensee has, on or after July 1, 2002, been convicted of, has pled guilty to, or has been found guilty of the following criminal offenses, regardless of whether the judgment of conviction or sentence was deferred:

1. Any of the following forcible felonies included in Iowa Code section 702.11: child endangerment, assault, murder, sexual abuse, or kidnapping;

2. Any of the following criminal sexual offenses, as provided in Iowa Code chapter 709, involving a child:

- First-, second- or third-degree sexual abuse committed on or with a person who is under the age of 18;
- Lascivious acts with a child;
- Assault with intent to commit sexual abuse;
- Indecent contact with a child;
- Sexual exploitation by a counselor;
- Lascivious conduct with a minor; ~~or~~
- Sexual exploitation by a school employee;
- Enticing a minor under Iowa Code section 710.10; or
- Human trafficking under Iowa Code section 710A.2;

3. Incest involving a child as prohibited by Iowa Code section 726.2;

4. Dissemination and exhibition of obscene material to minors as prohibited by Iowa Code section 728.2; ~~or~~

5. Telephone dissemination of obscene material to minors as prohibited by Iowa Code section 728.15;₂

6. Any offense specified in the laws of another jurisdiction, or any offense that may be prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) "b"(1); or

7. Any offense under prior laws of this state or another jurisdiction, or any offense under prior law that was prosecuted in a federal, military, or foreign court, that is comparable to an offense listed in subparagraph 25.3(1) "b"(1).

(2) No change.